

U.S. Appeal Is Dropped in Marcello Case

U. S. Atty. Gerald J. Gallinghouse has dropped an appeal of a federal court decision which dismissed illegal reentry charges against racketeer figure Carlos Marcello.

Marcello was indicted nine years ago on a charge of being "illegally present" in the U.S. after being deported to Guatemala. District Judge Lansing L. Mitchell dismissed the charge Sept. 23, holding the seven-year statute of limitations had expired.

Marcello was deported to Guatemala April 4, 1961, and "reappeared" in the U.S. two months later. The government said under the law, he had to apply to the attorney general for permission to reenter the country. He was indicted on the charge in June, 1961.

Gallinghouse said the ruling was appealed to the U.S. Supreme Court but the appellate division of the Justice Department decided to cancel the appeal.

Marcello is serving a six-month prison term for attempting to strike an FBI agent.

He is appealing that conviction before the U.S. Fifth Circuit Court of Appeals on grounds he was "trapped" by the FBI. A decision on motions by Marcello for a new trial on the charges is pending.